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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL SUIT NO. 27 OF 2022
WITH
INTERIM APPLICATION NO. 922 OF 2022
INTERIM APPLICATION NO. 1400 OF 2022**

Ketan Vallabji Veera and 6 Others ... Plaintiffs/Applicants

Vs.

Municipal Corporation of Greater ... Defendants

Mumbai and 16 others

**WITH
INTERIM APPLICATION NO. 3301 OF 2022
INTERIM APPLICATION NO. 3144 OF 2025**

**IN
COMMERCIAL SUIT NO. 27 OF 2022**

Entire Estate Private Limited ... Applicant

Vs.

Ketan Vallabhji Veera ... Defendant

**WITH
INTERIM APPLICATION NO. 6978 OF 2025
IN
COMMERCIAL SUIT NO. 27 OF 2022**

Rajesh Laxmichand Bheda ... Applicant

Vs.

Ketan Vallabhji Veera ... Defendant
and Others

Mr. Nigel Quraishy a/w. Mr. Dushyant Krishnan, Ms. Shruti
Dubey i/b. Mr. Garfield Clarence Mendonca for the Plaintiff.

Mr. Sunil Khandagale i/b. Ms. Komal Punjabi for Defendant
No. 1.

Mr. Kaustubh Thipsay for Defendant Nos. 8, 10, 11 and 14.

Mr. Vishal Kanade a/w. Ms. Janhvee Joshi, Mr. Maulik Vora
i/b. Mr. Pramod Kumar & Co. for Defendant Nos. 4 to 7.

Mr. Karl Tamboly a/w. Mr. Adil Parshurampuriya, Mr.
Kartikeya Awasthi i/b. Purnanand & Co. for Defendant No. 9.

Ms. Pooja Yadav i/b. Ms. Komal Punjabi for Defendant No. 1
-BMC.

CORAM : GAURI GODSE, J.

DATE : 16th DECEMBER 2025

ORDER :

Interim Application No. 6978 of 2025

1. This application is by defendant no. 3 seeking delay condonation in filing written statement. Plaintiff has filed affidavit in reply stating that the writ of summons was served through the Sheriff's office by post and the postal packet was received by defendant no. 3 on 2nd May 2023. The plaintiff has annexed copy of the postal acknowledgment and tracking report of the complaint for verifying the status.

2. Learned counsel for the plaintiff has tendered affidavit in reply dated 23rd June 2025 and learned counsel for defendant no. 3 has tendered affidavit in rejoinder dated 31st October 2025. Learned counsel for defendant no. 3 relies upon paragraphs 3 to 5 to support defendant no. 3's contention that writ of summons was served on 9th May 2023

by post. There is neither any service affidavit filed by the plaintiff nor there is any service report submitted from the office of the Sheriff.

3. The sub-rule(3) of Rule 448 of Chapter XXVIII of The Bombay High Court (Original Side) Rules, 1980 provides that after effecting the service by the office of Sheriff, the Advocate shall file affidavit of service within two weeks otherwise the office of Sheriff shall file the service report of the Bailiff directly to the court thereafter. This rule clearly indicates that if the postal acknowledgments and the service affidavit is not collected by the Advocate for the plaintiff from the office of Sheriff, it is obligation on the office of Sheriff to directly supply the service report to the court. In the present case there is no such report filed by the Sheriff's office. Office of the Sheriff shall therefore submit an explanation as to why service report was not forwarded upon service to defendant no.3. Necessary explanation shall be filed within two weeks.

4. Office shall forward copy of this order to the office of Sheriff.

5. List the application on 6th January 2026.

Interim Application No. 3301 of 2022

6. Learned counsel for defendant no. 9 seeks time to file an additional affidavit of the Advocate on record to support his submissions that the application for condonation of delay in filing written statement was lodged through e-filing portal on 1st July 2022. Necessary affidavit to be filed before the next date with an advance copy to be served upon the learned Advocate for the plaintiff.

7. Defendant no. 9 shall also state in the additional affidavit the particulars regarding the permission taken for filing application physically to support defendant no. 9's submissions that since e-filing was compulsory on 1st July 2022, the application was lodged through e-filing portal.

8. Stand over to 6th January 2026.

[GAURI GODSE, J.]